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VIA EMAIL: tracieb@water.ca.gov

RE: Integrated Regional Water Management Grant Program Guidelines, Public Draft 8/16/04

September 30, 2004

Dear Ms. Billington:

On behalf of The Ocean Conservancy's more than 25,000 California members, I am submitting these comments on the Draft Integrated Regional Water Management Grant Program Guidelines. We congratulate the Department on the many positive elements of the Draft Guidelines. Specifically, we appreciate the allocation of funding to planning grants and the specific focus on planning and implementation of Integrated Coastal Watershed Management projects. Further, we appreciate the prioritization of projects associated with Areas of Special Biological Significance.

However, the Draft Guidelines are deficient in several important regards, which I will discuss individually below. We believe that consideration of these recommendations will improve the Guidelines significantly, and help to convey funds to the most important projects, consistent with the priorities of Proposition 50 and its implementing statutes.

More Funding Should Be Allocated to Planning Grants and Funding Levels for Individual Planning Grants are Too Low.

The Draft Guidelines impose a \$500,000 limit for planning grants. Given the breadth of management options that must be examined, the cost of coordinating public participation, and the large geographic areas the program requires, the development of IRWM plans will likely cost much more. Consequently, we believe that this limit is too low and should be raised to at least \$1 million. Furthermore, the Draft Guidelines allocate only \$10 million to fund planning grants. Given the scope of IRWM plans and the lack of – and need for – suitable plans, more funding is needed to bring priority areas to implementation stage. Consequently, we believe that the total limit for planning grants is too low. The state should allocate at least \$20 million for planning.

Making additional funds available could facilitate coordination of this program with the statewide Critical Coastal Area program, and leverage the existing planning efforts of state and local agencies. As we noted in our prior comments, CCA Action Plans, once completed, would clearly qualify as Integrated Water Management Plans and be eligible for implementation funding. These plans are exactly the type of effort that the writers of the Bond measure and implementing legislation envisioned in establishing this program. CCA plans will further protection and improvement of water quality in CCAs, they will integrate the activities of government and stakeholders at the state and local level, they will have specific objectives and schedules for achieving them, and they will be regional in that their scopes will be defined by the coastal waters they are designed to protect. Moreover, because all ASBS are included in the CCA program, CCA Action Plans can be a tool for promoting the protection and restoration of ASBS. Accordingly, additional funding could significantly further the goals of both the IRWM and CCA programs.

Coastal Watershed Management Planning and Implementation Projects Should Be a Priority.

Following the passage of Proposition 50 the legislature passed a number of laws aimed at guiding the administration of this funding. Of particular relevance is AB 1747, which, among other things, required that special preference be given “to funding projects that will eliminate or significantly reduce pollution into impaired waters and sensitive habitat areas, including areas of special biological significance.”¹ Another law, AB 866, provided a specific mandate to the SWRCB’s IRWM program to fund “the development of one or more integrated coastal watershed management plans,” which “shall include coastal watersheds that influence water quality in areas of special biological significance.”² In repeatedly referring to coastal areas the legislature has made its intent abundantly clear: bond resources should be directed – through the IRWM program and other Prop. 50 programs – to the protection and restoration of priority coastal areas.

The Draft Guidelines do reference Integrated Coastal Water Management Plans, but they do not elevate these Plans to the level of significance that is appropriate given this degree of legislative focus. We recommend that at least \$5 million of the total amount allocated to planning grants be earmarked for Integrated Coastal Water Management Plans.

Furthermore, it is unclear whether implementation grants are even available for Integrated Coastal Watershed Management Plans. The AB 1747 mandate – to prioritize projects that are associated with ASBS – is not limited to planning these projects. Plans are only the beginning. The State should commit itself to funding the implementation of these important coastal plans upon their completion.

The Match Requirements are Unfair.

The significant local match requirement for both planning and implementation grants gives an unfair edge to communities that already have funding available for these purposes. The Draft Guidelines’ provisions for waiving or reducing the match requirements for applicants that can demonstrate the involvement of a disadvantaged community are inadequate to eliminate this edge. Numerous priority regions in California lack both disadvantaged communities (as defined in the Guidelines) and the resources to address serious water quality or water supply problems. The Draft Guidelines would make it impossible for these communities to have access to much-needed Chapter 8 funding.

¹ AB 1747 (Committee on Budget – Public Resources, 2003) at Section 1.

² AB 866 (Pavley, 2003) at Section 5; California Water Code § 79563.5(c).

Moreover, the intent of the match requirement – to leverage Chapter 8 funding with other sources of funds – would be met without the requirement. Communities that have these funds available will use them to this end without this mandate from the State. We respectfully request that the match requirement be eliminated.

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Once again, we congratulate DWR and SWRCB staff on the development of these strong Draft Guidelines. However, the Guidelines would be substantially improved through the incorporation of the recommendations above. As always, thank you for considering these comments, and feel free to call if you have any questions.

Sincerely,

Sarah G. Newkirk

Sarah G. Newkirk
California Water Quality Programs Manager